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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,394	04/22/2004	Issei Harima	740630-77	5422
22204	7590 12/07/2005		EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128		COLETTA, LORI L		
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		10/829,394	HARIMA ET AL.		
		Examiner	Art Unit		
		Lori L. Coletta	3612		
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address		
A SH WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE in a sions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from 1. cause the application to become ABANDONE	N. sely filed the mailing date of this communication. O (35 U.S.C. & 133).		
Status					
2a) <u></u> □	Responsive to communication(s) filed on <u>28 Oct</u> This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro			
Dispositi	on of Claims		•		
 4) Claim(s) 1-5 is/are pending in the application. 4a) Of the above claim(s) 6-16 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-3 is/are rejected. 7) Claim(s) 4 and 5 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 					
Applicati	on Papers				
9) <u></u>	The specification is objected to by the Examine. The drawing(s) filed on 22 April 2004 is/are: a) Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction The oath or declaration is objected to by the Ex	☑ accepted or b)☐ objected to t drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority u	nder 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ⊠ All b) ☐ Some * c) ☐ None of: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.					
2) 🔲 Notice 3) 🔯 Inforn	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date 07142004.	4) Interview Summary (Paper No(s)/Mail Da 5) Notice of Informal Pa			

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DETAILED ACTION

Election/Restrictions

1. Claims 6-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on October 28, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 3. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by McLeod et al. 6,793,261.

Regarding claim 1, McLeod et al. '261 discloses a resin-made floor panel structure applied in a vehicle floor comprising a floor (18) panel made of resin integrally forming a spare tire storage space, and a trunk board (44) made of resin disposed so as to cover the floor panel, wherein fitting parts are integrally formed in the floor panel and trunk board respectively so as to achieve the closure of the spare tire storage space in Figure 4.

Regarding claim 2, McLeod et al. '261 discloses the resin-made floor panel structure, wherein the trunk board (44) has an engaging part for achieving the air tightness against the car body side wall.

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Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod et al. 6,793,261 in view of Takanishi et al. 5,797,642.

Regarding claim 3, McLeod et al. '261 discloses the resin made floor panel structure comprising a trunk board (44) composed of a sound abatement layer (55) but does not show wherein the trunk board includes a first board part covering the spare tire storage space, a second board part having the engaging part and covering the portion excluding the spare tire storage space of the floor panel, and a hinge part rotatably coupling the second board part and the first board part, and the hinge part is composed of a sound insulating flexible member and is fixed between the both board parts without allowing gap.

Takanishi et al. '642 teaches trunk board (7) includes a first board part covering the spare tire storage space (5), a second board part (7a) having the engaging part and covering the portion (13) excluding the spare tire storage space of the floor panel, and a hinge part (14) rotatably coupling the second board part and the first board part, and the hinge part is fixed between the both board parts without allowing gap in Figure 3.

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Regarding claim 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the trunk board of the resin made floor panel of McLeod et al. '261 with first board part covering the spare tire storage space, a second board part having the engaging part and covering the portion excluding the spare tire storage space of the floor panel, and a hinge part rotatably coupling the second board part and the first board part, and the hinge part is fixed between the both board parts without allowing gap, as taught by Takanishi et al. '642, in order to open sightly without the need to raise the entire trunk board or without the need to move or remove luggage regardless of the weight of the luggage.

Allowable Subject Matter

- 6. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other floor panel structures similar to that of the current invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta

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Primary Examiner Art Unit 3612

llc

November 19, 2005